

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

TERESA KUBIS,
Charging Party

HRB CASE NO. 0131016320

-v-

FINAL AGENCY DECISION

SHANE HEGLE,
Respondent

Charging Party, Teresa Kubis (Kubis), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in public accommodation on the basis of age, race, color, sex, national origin, disability and marital status. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Kubis's allegations that Respondent, Shane Hegle, discriminated against Kubis. The Department issued a Notice of Dismissal. Kubis filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 13, 2014. No oral argument was requested for this hearing.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion. Therefore the objection is overruled.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

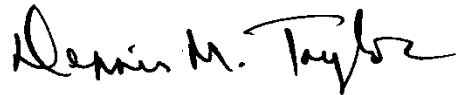
Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review

must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

Section 2-4-702(2), MCA.

IT IS HEREBY ORDERED, that Teresa Kubis's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Shane Hegle.

DATED this 15th day of May, 2014.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 15th day of May, 2014.

TERESA KUBIS
33 FIRST AVENUE SOUTHEAST
APARTMENT #5
CUT BANK, MT 59427

SHANE HEGLE
HEGLE'S SALES AND SERVICE
P.O. BOX 385
CUT BANK, MT 59427



Annah Smith, Legal Secretary
Montana Human Rights Bureau